

S.B. 1051 – Oppose: Might Make Greater Problems, Insufficient Benefit

**Government Administration and Elections Committee
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Chairs and members of the Committee, my name is Luther Weeks. I am Executive Director of CTVotersCount, a Computer Scientist, and a Certified Moderator.

S.B. 1051 is intended to solve problems of our current system attributed to two elected registrars in one-hundred-sixty-nine (169) towns. Unfortunately, it would not solve many of the problems, would likely make more problems, and is flawed in many of its proposed details.

I concur in many of the motivations for the law. In general problems that need addressing are:

- In some large cities with full-time, well compensated registrars, for whatever reason they do not deliver professional results.
- In small towns registrars are not compensated sufficiently to learn and perform the overhead work required, even for a small number of voters. Many put in necessary extra hours. This also makes it difficult to attract competent individuals for such positions.
- In all municipalities, personal or political issues can arise between individual registrars – many are not publicized, while some result in negative effects on voters and voting
- Registrar is a highly political and patronage appointment in some municipalities.

Despite the problems, we should recognize that like all officials, the vast majority of election officials are of high integrity and the majority do an excellent or at least an acceptable job.

Unfortunately S.B. 1051 would not solve many of the problems, would likely make more problems, and is flawed in many of its proposed details:

- Appointing a single official by the municipal legislative body under the municipal clerk may make the position less political in some municipalities – in others it would remain political, exclusively under the dominant party, and would tend to make the municipal clerk position political as well. There would be fewer checks and balances. This could lead to more problems, including more severe problems.
- It would not sufficiently solve the problems of resources in small towns. One person working the same hours two people did would still not be sufficient. In any case, backup is necessary so a deputy or clerk would have to learn as much as a 2nd registrar today.
- It does not change the system enough - it is not worth the disruption for such a small possible benefit with accompanying risks and disruption.
- The bill needs work. There are many instances of risky changes. It needs review and change with everyone at the table: Registrars, clerks, advocates, pollworkers, and voters. (See details in the following pages)

I recommend instead, a more comprehensive, deliberate approach:

- A committee established, with everyone at the table, to comprehensively review reform proposals -- to balance the goals of workability, integrity, efficiency, and voter service.
- Full consideration of more comprehensive change such as regionalization, that could address the problems and also the limitations of the current town-by-town system.

Thank you.

A Possible Worst Case Political Scenario with this Bill

Although this is a worst case, it is easy to envision something close happening in a few municipalities:

- A registrar from either party could resign and the other(s) would be removed (lines 1-2, 4-5)
- The town council could then appoint, even that same person (resignee), as the only registrar (lines 5-6)
- A single registrar could be, for instance, of the same party as the council majority.
- That registrar and the town clerk could appoint a deputy and the registrar appoint all the assistants from that same party (lines 12-14)
- Unlike a moderator, the registrar, deputies, and assistants could be convicted felons, such as a former AB voting fraudster, governor, mayor, or legislator.
- The registrar would appoint all of the election officials including both assistant registrars at each polling place. The only currently required party diversity in a polling place is the assistant registrars of opposing parties. This bill ends that. (lines 3548-3549, 4341-4351 4374-4371)
- Worse still, in a single polling place town, the registrar may perform the functions of both assistant registrars at the polling place (lines 4374-4377)
- The single registrar is the sole person empowered to appoint challengers (lines 3677-3684)
- The registrar alone may count and rule upon provisional ballots (lines 3803-3836)
- The registrar may appoint unofficial checkers, it is now unclear if major party chairs can still appoint their own (lines 3874-3891)

Risky Details with this Bill

At 201 pages this bill makes many changes; many support the single registrar change; others significantly change current law and practice in a variety of ways, some quite concerning and risky. As a single individual I have compiled the following list, yet as an individual I doubt I have found every problem or fully comprehended the implications positive and negative of every clause.

Lines 1-2, similarly for most subsequent paragraphs, and

Lines 4-5 – A registrar from either party could resign and the other(s) would be removed.

The town council could then appoint, even that same person (resignee), as the only registrar

Lines 12-14 – That registrar and the town clerk could appoint a deputy and the registrar appoint all the assistants from that same party

Lines 28-29 – In some cases, contrary to lines 12-14, the registrar alone may appoint the deputy

Lines 118 – If enacted the pronoun “he” should be replaced and should not just apply to towns with a “selectman”

Lines 222-239 – Gives a lot of the certification power to a single individual, the Secretary of the State, who appoints five of six members of the training/certification committee. All members except one are registrars: No municipal clerks, no educators etc.

Also note: Convicted felons are prohibited from being certified as moderators. This bill provides no similar provision preventing convicted felons from being certified as registrars or serving as deputy registrars or assistant registrars. Former Governors, Mayors, or Legislators etc. convicted of bribery or election tampering could have responsibility for our elections.

Lines 251-252 – Only registrars and deputies may participate in training and certification. Unlike, moderator certification where any member of the public may participate and have the opportunity to be certified.

Lines 325-328 – Regardless of other parts of this bill, posting of voter ID requirements in polling places should be enacted. Such provisions are often misunderstood by officials and the public.

Lines 404-405 – Checkers given 48 hours to sign and deliver check-in lists. Currently they sign the lists at the close of the polls, then moderators check the counts against the number of ballots counted and attempt to reconcile any differences.

This would be a huge step backwards for several reasons: The checkers are present at that time and there is no reason they cannot complete the work on election night. It is important to balance the number of ballots counted to the number of voters signed in – elections in Connecticut have been overturned after the fact because this check was not made on election night. It would also be a huge chain-of-custody issue, if the checkers were allowed to keep the lists until signed, or alternately if other officials took the lists and the checkers could not verify that such lists were not altered.

Perhaps I misunderstand, but if 48 hours are to elapse between the closing of the election and reporting full initial reporting and reconciliation, there should be strong provisions in the law to protect ballots, checklists, and other materials from manipulation.

Lines 59-61 – It is completely unworkable for moderators to have 48 hours to count results and expect public to be present to hear the results. There may be good reasons to delay counting of all ballots (i.e. Like Bridgeport in 2010), if so, they should be sealed and highly secured, and the time of resumption of counting announced etc.

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Line 483 – Requires only that machine counted votes be transmitted to the Secretary of the State by midnight on election-day. Under normal circumstances this may be acceptable, yet results should be compiled and transmitted before officials leave.

Sometimes there are large numbers of votes counted by hand such as a) when officials run out of pre-printed ballots, b) scanners fail, c) there are large numbers of write-in votes, or d) where municipalities choose to run all-paper elections, without scanners. In these cases there is a reason it might take longer, yet in those cases custody and security are also more critical.

Lines 475-487 – Requires that results only for state offices be reported to the Secretary of the State on election night.

Election results for all office and questions in any election should be required to be reported to the Secretary of the State.

In an answer to a question in a recent press conference, the Secretary indicated that it is technically difficult for municipal election (odd year) results to be electronically submitted to the State with the new election reporting system under development. Many municipalities enter such data after every election in spreadsheets – such spreadsheets could be standardized, transmitted the Secretary and automatically consolidated. Or a web system could be used to enter and accept such data.

As a computer scientist, with years of evaluating projects and developing systems, I can say with certainty that: The Secretary is being misled by anyone making such a claim – they should not be responsible for developing any system for this State – they should not be trusted or respected as a source of technical advice.

In any case, data should not be electronically submitted to the State via connecting scanners to the Internet or inserting memory cards in any device. The State should follow UConn's long-standing advice, continuing to maintain a "air gap" between scanners, networks, and other systems.

Lines 684-689 – Compared with other states, Connecticut already has very weak ballot security and chain-of-custody. This makes it worse – it codifies that a single person, a single registrar is responsible for ballots.

In 2009, in East Haddam, a single registrar accessed ballots alone – subsequently nobody was sure that ballots were not altered – the registrar was unable to clear her name. As stated in a Hartford Courant Editorial:

When town offices were closed for Veterans Day, head election moderator Marge DeBold, a Democrat, found a clerical error in the absentee vote count that added an additional vote to Ms. Houlton's total. That extra vote would throw the results into a tie, which would require a runoff election. The following day, Democratic Registrar Pat Hess authorized Ms. DeBold and Town Clerk Ann Huffstetler, also a Democrat, to open the sealed envelopes containing the ballots to review the tally sheets and amend the recount.

But there were no Republicans present. That was wrong...

Mr. Harris, the initial winner of the recount, summed it up well: "The process was corrupted. When you go by yourselves, just you two, it gives the appearance of impropriety."

In 2010, in Colorado a single election official, violating security protocol, was caught on video working with ballots between an election and a recount – a recount which reversed the winning candidate.

In this instance, we can learn from Colorado – they require video surveillance and video retention of critical machine and ballot storage and work areas for several weeks surrounding an election. Currently such manipulation would be unlikely to be detected in Connecticut, and this bill would reduce our already inadequate security.

Lines 3677-3679 – The single registrar appoints all challengers– defeating the purpose of challengers for all but the registrar's party.

Voters could confront a polling place with all officials from a single party appointed by the single registrar.

Lines 3803-3869 – The single registrar of voters reviews, judges, and counts provisional ballots.

Another instance where there is no check and balance, no protection from ballot or envelope alteration.

Lines 3875-3889 and

Lines 3933 – The single registrar appoints all unofficial checkers – defeating the purpose of unofficial checkers for all but the registrar's party.

Voters could confront a polling place with all officials and unofficial checkers from a single party appointed by the single registrar

Lines 3906 – If enacted the pronoun "his" should be replaced.

Lines 4344-4345 and

Lines 4374 -4375 – The single registrar appoints both assistant registrars – this would eliminate the only requirement that each polling place at minimum have two officials of opposing parties, to make critical decisions to allow individuals to vote, and assure there are independent eyes on the entire polling place activities.

Voters could confront a polling place with all officials from a single party appointed by the single registrars.

Unlike many other states and countries, Connecticut does not allow any public observers in a polling place – one of several reasons that the Carter Center will not observe and attest to elections in the United States.